



General Assembly

January Session, 2019

***Raised Bill No. 1055***

LCO No. 5695



Referred to Committee on JUDICIARY

Introduced by:  
(JUD)

***AN ACT ESTABLISHING A TASK FORCE TO STUDY THE JUROR SELECTION PROCESS, PROVIDING ACCESS TO CERTAIN RECORDS POSSESSED BY THE DEPARTMENT OF MENTAL HEALTH AND ADDICTION SERVICES, CONNECTICUT VALLEY HOSPITAL AND THE PSYCHIATRIC SECURITY REVIEW BOARD AND CONCERNING SENTENCING OF PERSISTENT LARCENY OFFENDERS AND NONFINANCIAL CONDITIONS FOR PRETRIAL RELEASE.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

- 1      Section 1. (*Effective from passage*) (a) There is established a task force  
2      to study jury selection in the state to determine whether processes  
3      currently in place result in a fair cross-section of the community being  
4      summoned for jury duty and whether a fair cross-section of the  
5      community appear for jury service. In connection with such study, the  
6      task force may (1) collect statistics and conduct data analysis of jurors  
7      appearing for jury service, (2) review juror selection processes and  
8      procedures utilized in other jurisdictions, and (3) conduct research that  
9      is consistent with the objectives of the study. Such study shall be  
10     undertaken with the objective of ensuring that the state's juror  
11     selection processes encompass a full and fair representation of the

12 community at large.

13 (b) The task force shall consist of the following members:

14 (1) The Chief Court Administrator, or the Chief Court  
15 Administrator's designee;

16 (2) The Chief State's Attorney, or the Chief State's Attorney's  
17 designee;

18 (3) The Chief Public Defender, or the Chief Public Defender's  
19 designee;

20 (4) The Attorney General, or the Attorney General's designee;

21 (5) The Jury Administrator, or the Jury Administrator's designee;

22 (6) The president of the Connecticut Bar Association, or the  
23 president's designee;

24 (7) The president of the South Asian Bar Association of Connecticut,  
25 or the president's designee;

26 (8) The president of the George W. Crawford Black Bar Association,  
27 or the president's designee;

28 (9) The president of the Connecticut Hispanic Bar Association, or  
29 the president's designee;

30 (10) The president of the Connecticut Asian Pacific American Bar  
31 Association, or the president's designee;

32 (11) The president of the Portuguese Bar Association of Connecticut,  
33 or the president's designee;

34 (12) The president of the Connecticut Italian-American Bar  
35 Association, or the president's designee; and

36 (13) The deans of The University of Connecticut School of Law,  
37 Quinnipiac University School of Law and Yale Law School, or their

38    respective designees.

39       (c) All appointments to the task force shall be made not later than  
40   thirty days after the effective date of this section. Any vacancy shall be  
41   filled by the appointing authority.

42       (d) The Chief Court Administrator shall select the chairpersons of  
43   the task force from among the members of the task force. Such  
44   chairpersons shall schedule the first meeting of the task force, which  
45   shall be held not later than sixty days after the effective date of this  
46   section.

47       (e) The administrative staff of the joint standing committee of the  
48   General Assembly having cognizance of matters relating to the  
49   judiciary shall serve as administrative staff of the task force.

50       (f) Not later than July 1, 2020, the task force shall report on its  
51   findings and recommendations to the joint standing committee of the  
52   General Assembly having cognizance of matters relating to the  
53   judiciary and to the Chief Court Administrator, in accordance with the  
54   provisions of section 11-4a of the general statutes. Such  
55   recommendations may include statutory revisions that would enhance  
56   the representativeness of the juror array. The task force shall terminate  
57   on the date that it submits such report or July 1, 2020, whichever is  
58   later.

59       Sec. 2. (NEW) (*Effective October 1, 2019*) (a) Notwithstanding any  
60   provision of the general statutes concerning the confidentiality of any  
61   record, information and media recording relating to the Department of  
62   Mental Health and Addiction Services, Connecticut Valley Hospital or  
63   the Psychiatric Security Review Board, (1) any media recording of an  
64   acquittee, as defined in section 17a-580 of the general statutes, at the  
65   Connecticut Valley Hospital or at any other facility that is operated or  
66   administered by, or under a contractual arrangement with, the  
67   Department of Mental Health and Addiction Services or the  
68   Psychiatric Security Review Board shall be disclosable to the counsel  
69   for the acquittee with the acquittee's consent, and (2) any record

70 maintained by said department, hospital or board concerning the  
71 acquittee shall be disclosable to the counsel for the acquittee with the  
72 acquittee's consent.

73 (b) As used in this section, "media recording", includes, but is not  
74 limited to, a still or electronically stored photograph, a security camera  
75 video, a compact disc, a digital video disc, a flash drive recording, a  
76 cell phone audio or video recording, an audio or a video recording that  
77 is stored on a mobile electronic device, and any other electronic media  
78 form, whether stored locally or remotely.

79 Sec. 3. Section 53a-40 of the general statutes is repealed and the  
80 following is substituted in lieu thereof (*Effective October 1, 2019*):

81 (a) A persistent dangerous felony offender is a person who:

82 (1) (A) Stands convicted of manslaughter, arson, kidnapping,  
83 robbery in the first or second degree, assault in the first degree, home  
84 invasion, burglary in the first degree or burglary in the second degree  
85 with a firearm, and (B) has been, prior to the commission of the present  
86 crime, convicted of and imprisoned under a sentence to a term of  
87 imprisonment of more than one year or of death, in this state or in any  
88 other state or in a federal correctional institution, for any of the  
89 following crimes: (i) The crimes enumerated in subparagraph (A) of  
90 this subdivision or an attempt to commit any of said crimes; or (ii)  
91 murder, sexual assault in the first or third degree, aggravated sexual  
92 assault in the first degree or sexual assault in the third degree with a  
93 firearm, or an attempt to commit any of said crimes; or (iii) prior to  
94 October 1, 1975, any of the crimes enumerated in section 53a-72, 53a-75  
95 or 53a-78 of the general statutes, revision of 1958, revised to 1975, or  
96 prior to October 1, 1971, in this state, assault with intent to kill under  
97 section 54-117, or any of the crimes enumerated in sections 53-9, 53-10,  
98 53-11, 53-12 to 53-16, inclusive, 53-19, 53-21, 53-69, 53-78 to 53-80,  
99 inclusive, 53-82, 53-83, 53-86, 53-238 and 53-239 of the general statutes,  
100 revision of 1958, revised to 1968, or any predecessor statutes in this  
101 state, or an attempt to commit any of said crimes; or (iv) in any other

102 state, any crimes the essential elements of which are substantially the  
103 same as any of the crimes enumerated in subparagraph (A) of this  
104 subdivision or this subparagraph; or

105 (2) (A) Stands convicted of sexual assault in the first or third degree,  
106 aggravated sexual assault in the first degree or sexual assault in the  
107 third degree with a firearm, and (B) has been, prior to the commission  
108 of the present crime, convicted of and imprisoned under a sentence to  
109 a term of imprisonment of more than one year or of death, in this state  
110 or in any other state or in a federal correctional institution, for any of  
111 the following crimes: (i) Murder, manslaughter, arson, kidnapping,  
112 robbery in the first or second degree, assault in the first degree, home  
113 invasion, burglary in the first degree or burglary in the second degree  
114 with a firearm, or an attempt to commit any of said crimes; or (ii) prior  
115 to October 1, 1971, in this state, assault with intent to kill under section  
116 54-117, or any of the crimes enumerated in sections 53-9, 53-10, 53-11,  
117 53-12 to 53-16, inclusive, 53-19, 53-21, 53-69, 53-78 to 53-80, inclusive,  
118 53-82, 53-83 and 53-86 of the general statutes, revision of 1958, revised  
119 to 1968, or any predecessor statutes in this state, or an attempt to  
120 commit any of said crimes; or (iii) in any other state, any crimes the  
121 essential elements of which are substantially the same as any of the  
122 crimes enumerated in subparagraph (A) of this subdivision or this  
123 subparagraph.

124 (b) A persistent dangerous sexual offender is a person who (1)  
125 stands convicted of sexual assault in the first or third degree,  
126 aggravated sexual assault in the first degree or sexual assault in the  
127 third degree with a firearm, and (2) has been, prior to the commission  
128 of the present crime, convicted of and imprisoned under a sentence to  
129 a term of imprisonment of more than one year, in this state or in any  
130 other state or in a federal correctional institution, for (A) any of the  
131 crimes enumerated in subdivision (1) of this subsection, or (B) prior to  
132 October 1, 1975, any of the crimes enumerated in section 53a-72, 53a-75  
133 or 53a-78 of the general statutes, revision of 1958, revised to 1975, or  
134 prior to October 1, 1971, in this state, any of the crimes enumerated in  
135 section 53-238 or 53-239 of the general statutes, revision of 1958,

136 revised to 1968, or any predecessor statutes in this state, or an attempt  
137 to commit any of said crimes, or (C) in any other state, any crimes the  
138 essential elements of which are substantially the same as any of the  
139 crimes enumerated in subdivision (1) of this subsection or this  
140 subdivision.

141 (c) A persistent serious felony offender is a person who (1) stands  
142 convicted of a felony, and (2) has been, prior to the commission of the  
143 present felony, convicted of and imprisoned under an imposed term of  
144 more than one year or of death, in this state or in any other state or in a  
145 federal correctional institution, for a crime. This subsection shall not  
146 apply where the present conviction is for a crime enumerated in  
147 subdivision (1) of subsection (a) of this section and the prior conviction  
148 was for a crime other than those enumerated in subsection (a) of this  
149 section.

150 (d) A persistent serious sexual offender is a person, other than a  
151 person who qualifies as a persistent dangerous sexual offender under  
152 subsection (b) of this section, who qualifies as a persistent serious  
153 felony offender under subsection (c) of this section and the felony of  
154 which such person presently stands convicted is a violation of  
155 subdivision (2) of subsection (a) of section 53-21, or section 53a-70, 53a-  
156 70a, 53a-70b, 53a-71, 53a-72a or 53a-72b and the prior conviction is for  
157 a violation of section 53-21 of the general statutes, revised to January 1,  
158 1995, involving sexual contact, committed prior to October 1, 1995, a  
159 violation of subdivision (2) of section 53-21 of the general statutes,  
160 committed on or after October 1, 1995, and prior to October 1, 2000, a  
161 violation of subdivision (2) of subsection (a) of section 53-21 or a  
162 violation of section 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a or 53a-72b.

163 (e) A persistent larceny offender is a person who (1) stands  
164 convicted of larceny in the third degree in violation of the provisions of  
165 section 53a-124 in effect prior to October 1, 1982, or larceny in the  
166 fourth, fifth or sixth degree, and (2) has been, at separate times, [prior  
167 to the commission of the present larceny,] twice convicted of the crime  
168 of larceny for violations committed during the ten years prior to the

169 commission of the present larceny.

170 (f) A persistent offender for possession of a controlled substance is a  
171 person who (1) stands convicted of possession of a controlled  
172 substance in violation of the provisions of section 21a-279, and (2) has  
173 been, at separate times prior to the commission of the present  
174 possession of a controlled substance, twice convicted of the crime of  
175 possession of a controlled substance.

176 (g) A persistent felony offender is a person who (1) stands convicted  
177 of a felony other than a class D felony, and (2) has been, at separate  
178 times prior to the commission of the present felony, twice convicted of  
179 a felony other than a class D felony.

180 (h) It shall be an affirmative defense to the charge of being a  
181 persistent offender under this section that (1) as to any prior conviction  
182 on which the state is relying the defendant was pardoned on the  
183 ground of innocence, and (2) without such conviction, the defendant  
184 was not two or more times convicted and imprisoned as required by  
185 this section.

186 (i) When any person has been found to be a persistent dangerous  
187 felony offender, the court, in lieu of imposing the sentence of  
188 imprisonment authorized by the general statutes for the crime of  
189 which such person presently stands convicted, shall (1) sentence such  
190 person to a term of imprisonment that is not (A) less than twice the  
191 minimum term of imprisonment authorized for such crime or (B) more  
192 than twice the maximum term of imprisonment authorized for such  
193 crime or forty years, whichever is greater, provided, if a mandatory  
194 minimum term of imprisonment is authorized for such crime, such  
195 sentence shall include a mandatory minimum term of imprisonment  
196 that is twice such authorized mandatory minimum term of  
197 imprisonment, and (2) if such person has, at separate times prior to the  
198 commission of the present crime, been twice convicted of and  
199 imprisoned for any of the crimes enumerated in subsection (a) of this  
200 section, sentence such person to a term of imprisonment that is not less

201 than three times the minimum term of imprisonment authorized for  
202 such crime or more than life, provided, if a mandatory minimum term  
203 of imprisonment is authorized for such crime, such sentence shall  
204 include a mandatory minimum term of imprisonment that is three  
205 times such authorized mandatory minimum term of imprisonment.

206 (j) When any person has been found to be a persistent dangerous  
207 sexual offender, the court, in lieu of imposing the sentence of  
208 imprisonment authorized by section 53a-35a for the crime of which  
209 such person presently stands convicted, shall sentence such person to a  
210 term of imprisonment and a period of special parole pursuant to  
211 subsection (b) of section 53a-28 which together constitute a sentence of  
212 imprisonment for life, as defined in section 53a-35b.

213 (k) When any person has been found to be a persistent serious  
214 felony offender, the court in lieu of imposing the sentence of  
215 imprisonment authorized by section 53a-35 for the crime of which such  
216 person presently stands convicted, or authorized by section 53a-35a if  
217 the crime of which such person presently stands convicted was  
218 committed on or after July 1, 1981, may impose the sentence of  
219 imprisonment authorized by said section for the next more serious  
220 degree of felony.

221 (l) When any person has been found to be a persistent serious sexual  
222 offender, the court, in lieu of imposing the sentence of imprisonment  
223 authorized by section 53a-35a for the crime of which such person  
224 presently stands convicted, may impose a sentence of imprisonment  
225 and a period of special parole pursuant to subsection (b) of section 53a-  
226 28 which together constitute the maximum sentence specified by  
227 section 53a-35a for the next more serious degree of felony.

228 (m) [When] (1) Except as provided in subdivision (2) of this  
229 subsection, when any person has been found to be a persistent larceny  
230 offender, the court, in lieu of imposing the sentence authorized by  
231 section 53a-36 for the crime of which such person presently stands  
232 convicted, may impose the sentence of imprisonment for a class D



233 felony authorized by section 53a-35, if the crime of which such person  
 234 presently stands convicted was committed prior to July 1, 1981, or  
 235 authorized by section 53a-35a, if the crime of which such person  
 236 presently stands convicted was committed on or after July 1, 1981, but  
 237 prior to October 1, 2019.

238 (2) Except as provided in subdivision (1) of this subsection, when  
 239 any person has been found to be a persistent larceny offender, the  
 240 court, in lieu of imposing the sentence authorized by section 53a-36 for  
 241 the crime of which such person presently stands convicted for a  
 242 violation committed on or after October 1, 2019, may impose the  
 243 sentence of (A) imprisonment for a class E felony authorized by section  
 244 53a-35a, if such person presently stands convicted of a violation of  
 245 section 53a-125, or (B) imprisonment authorized by section 53a-36 for  
 246 the next more serious degree of misdemeanor authorized under  
 247 section 53a-36 if such person presently stands convicted of a violation  
 248 of section 53a-125a or 53a-125b.

249 (n) When any person has been found to be a persistent offender for  
 250 possession of a controlled substance, the court, in lieu of imposing the  
 251 sentence authorized by section 53a-36 for the crime of which such  
 252 person presently stands convicted, may impose the sentence of  
 253 imprisonment for a class E felony authorized by section 53a-35a.

254 (o) When any person has been found to be a persistent felony  
 255 offender, the court, in lieu of imposing the sentence authorized by  
 256 section 53a-35a for the crime of which such person presently stands  
 257 convicted, may impose the sentence of imprisonment authorized by  
 258 said section for the next more serious degree of felony; provided the  
 259 sentence imposed may not be less than three years, and provided  
 260 further three years of the sentence so imposed may not be suspended  
 261 or reduced by the court.

262 (p) (1) Whenever a person is arrested for any of the crimes  
 263 enumerated in subsection (a) of this section, the prosecuting authority  
 264 shall investigate and ascertain whether such person has, at separate

265 times prior to the commission of the present crime, been twice  
266 convicted of and imprisoned for any of the crimes enumerated in said  
267 subsection (a) and would be eligible to be sentenced under subsection  
268 (i) of this section if convicted of such crime.

269 (2) If the prosecuting authority ascertains that such person has, at  
270 separate times prior to the commission of the present crime, been twice  
271 convicted of and imprisoned for any of the crimes enumerated in  
272 subsection (a) of this section and such person has been presented to a  
273 geographical area courthouse, the prosecuting authority shall cause  
274 such person to be transferred to a judicial district courthouse. This  
275 subdivision shall not apply to any person charged with larceny in the  
276 third, fourth, fifth or sixth degree for the present crime committed on  
277 or after October 1, 2019.

278 (3) No court shall accept a plea of guilty, not guilty or nolo  
279 contendere from a person arrested for any of the crimes enumerated in  
280 subsection (a) of this section unless it finds that the prosecuting  
281 authority has complied with the requirements of subdivision (1) of this  
282 subsection.

283 (4) If the prosecuting authority ascertains that such person has, at  
284 separate times prior to the commission of the present crime, been twice  
285 convicted of and imprisoned for any of the crimes enumerated in  
286 subsection (a) of this section but decides not to initiate proceedings to  
287 seek the sentence enhancement provided by subsection (i) of this  
288 section, the prosecuting authority shall state for the record the specific  
289 reason or reasons for not initiating such proceedings.

290 (5) If the prosecuting authority ascertains that such person has, at  
291 separate times prior to the commission of the present crime, been twice  
292 convicted of and imprisoned for any of the crimes enumerated in  
293 subsection (a) of this section and initiates proceedings to seek the  
294 sentence enhancement provided by subsection (i) of this section, but  
295 subsequently decides to terminate such proceedings, the prosecuting  
296 authority shall state for the record the specific reason or reasons for

297 terminating such proceedings.

298 Sec. 4. Subsection (c) of section 54-64a of the general statutes is  
 299 repealed and the following is substituted in lieu thereof (*Effective*  
 300 *October 1, 2019*):

301 (c) If the court determines that a nonfinancial condition of release  
 302 should be imposed pursuant to subparagraph (B) of subdivision (1) of  
 303 subsection (a) or (b) of this section, the court shall order the pretrial  
 304 release of the person subject to the least restrictive condition or  
 305 combination of conditions that the court determines will reasonably  
 306 ensure the appearance of the arrested person in court and, with respect  
 307 to the release of the person pursuant to subsection (b) of this section,  
 308 that the safety of any other person will not be endangered, which  
 309 conditions may include an order that the arrested person do one or  
 310 more of the following: (1) Remain under the supervision of a  
 311 designated person or organization; (2) comply with specified  
 312 restrictions on such person's travel, association or place of abode; (3)  
 313 not engage in specified activities, including the use or possession of a  
 314 dangerous weapon; [ an intoxicant or a controlled substance;] (4)  
 315 provide sureties of the peace pursuant to section 54-56f under  
 316 supervision of a designated bail commissioner or intake, assessment  
 317 and referral specialist employed by the Judicial Branch; (5) avoid all  
 318 contact with an alleged victim of the crime and with a potential  
 319 witness who may testify concerning the offense; (6) maintain  
 320 employment or, if unemployed, actively seek employment; (7)  
 321 maintain or commence an educational program; (8) be subject to  
 322 electronic monitoring; or (9) satisfy any other condition that is  
 323 reasonably necessary to ensure the appearance of the person in court  
 324 and that the safety of any other person will not be endangered. The  
 325 court shall state on the record its reasons for imposing any such  
 326 nonfinancial condition.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>from passage</i>	New section
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Sec. 2	<i>October 1, 2019</i>	New section
Sec. 3	<i>October 1, 2019</i>	53a-40
Sec. 4	<i>October 1, 2019</i>	54-64a(c)

***Statement of Purpose:***

To: (1) Establish a task force to study the juror selection process, (2) provide access to certain records, information and media recordings in the possession of the Department of Mental Health and Addiction Services, Connecticut Valley Hospital or the Psychiatric Security Review Board, (3) modify sentence enhancements for persistent larceny offenders, and (4) modify nonfinancial conditions of release that a court may impose in the case of a bailable offense.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*